

REMARKS

By this amendment, applicants have amended the title to be more descriptive, amended paragraph 0154 of the specification to correct typographical errors and amended the abstract to be in proper form. Applicants have also amended the claims to more clearly define their invention by, *inter alia*, eliminating the indefiniteness problems noted by the Examiner in numbered paragraphs 9-31 of the office action. Claims 2, 14 and 22-25 have been canceled without prejudice or disclaimer.

Applicants traverse the requirement in numbered section 4 of the office action to designate Figures 10 (a)-(d) and 44-47 with a legend such as "Prior Art." The Examiner apparently bases this requirement on applicants' use of the term "conventional photomask" in the portions of the specification describing these figures. However, the term "conventional photomask" is defined in paragraph 0111 of the specification as "an ordinarily employed mask having, on a mask substrate, mask patterns composed of light blocking patterns made of a metal and light transmitting patterns." However, the manner of use of a "conventional photomask" in the method of the present invention is far from conventional and is certainly not "prior art." Whether or not a particular photomask may be conventional has no bearing on whether the manufacture and use of such a photomask (as shown in Figures 10 (a)-(d) and 44-47) is conventional. Therefore, Figures 10 (a)-(d) and 44-47 should not be designated with a legend such as "Prior Art."

In view of the cancellation of claims 2 and 14, the drawings show every feature of the invention now specified in the claims. Therefore, reconsideration and withdrawal of the objection to the drawings under 37 C.F.R. §1.83(a) in numbered section 5 of the office action are requested.

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In view of the foregoing amendments to the title and abstract, reconsideration and withdrawal of the objections to the abstract and title in numbered sections 6-8 of the office action are requested.

In view of the foregoing amendments to the claims, reconsideration and withdrawal of the rejection of claims 1-25 under 35 U.S.C. §112, second paragraph, in numbered sections 9-31 of the office action are requested.

Claims 1, 10, 18, 23 and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,767,490 to Alberts. Applicants traverse this rejection and request reconsideration thereof.

The present invention relates to a method of fabricating a semiconductor integrated circuit device provides for the use of a photomask having light blocking patterns made of a metal and another photomask having light blocking patterns made of a resist film during exposure treatment, the type of photomask being selected depending on the fabrication step of the semiconductor integrated circuit device. With such a method, the productivity of the semiconductor integrated circuit device can be improved.

Paragraph 0110 of applicants' specification defines a "photomask" as "having light blocking patterns or light phase shifting patterns formed on a mask substrate. It includes a reticle which contains patterns of several times greater than the final size."

The Alberts patent does not disclose the use of a "photomask" as defined in the present application, i.e., a photomask having light blocking patterns or light phase shifting patterns formed on a mask substrate. In Alberts, it appears a standard photoresist is utilized as the masking layer. Use of a "photomask" as applicants have defined it is not disclosed in Alberts. Accordingly, the Alberts patent does not anticipate the presently claimed invention.

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Claims 1, 3-7, 10, 12, 18, 23 and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,776,836 to Sandhu. Applicants traverse this rejection and request reconsideration thereof.

The patent to Sandhu discloses a self aligned method to define features smaller than the resolution limit of a photolithography system in which several mask layers are deposited over the respective layers to be etched. The Sandhu patent does not disclose the use of a "photomask" as defined in the present application, i.e., a photomask having light blocking patterns or light phase shifting patterns formed on a mask substrate. In Sandhu, it appears a standard mask layer deposited over the layer to be etched is utilized. Use of a "photomask" as applicants have defined it is not disclosed in Sandhu. Accordingly, the Sandhu patent does not anticipate the presently claimed invention.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Alberts in view of U.S. Patent No. 4,000,054 to Marcantonio. Applicants traverse this rejection and request reconsideration thereof.

The basic deficiency of the Alberts patent is noted above. The patent to Marcantonio discloses a structure of and method of forming a thin film conductor which crosses either a thin film or thick film glazed circuit underlying structure. Nothing in Marcantonio remedies the basic deficiency of Alberts noted above. That is, the patent to Marcantonio does not disclose the use of a "photomask" as applicants have defined it. Accordingly, claim 8 is patentable over the proposed combination of references.

Claims 2 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sandhu in view of U.S. Patent No. 6,076,465 to Vacca et al. In view of the cancellation of claims 2 and 14, this rejection is moot.

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Claims 8, 9, 11, 13 and 19-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sandhu in view of Marcantonio. Applicants traverse this rejection and request reconsideration thereof.

The basic deficiency of the Sandhu patent is noted above. The patent to Marcantonio discloses a structure of and method of forming a thin film conductor which crosses either a thin film or thick film glazed circuit underlying structure. Nothing in Marcantonio remedies the basic deficiency of Sandhu noted above. That is, the patent to Marcantonio does not disclose the use of a "photomask" as applicants have defined it. Accordingly, the claims are patentable over the proposed combination of references.

Claims 15-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sandhu in view of U.S. Patent No. 6,211,013 to Park. Applicants traverse this rejection and request reconsideration thereof.

The basic deficiency of the Sandhu patent is noted above. The patent to Park discloses that an object of the invention is to provide a method for fabricating a single electron transistor that overcomes the limitations of electron beam lithography to obtain smaller line width and gap. The Park patent discloses the use of e-beam direct writing and plasma etching, but does not disclose the use of a "photomask" as applicants have defined it. Accordingly, nothing in Park remedies the basic deficiency of Sandhu noted above and the claims are patentable over the proposed combination of references.

Claims 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sandhu in view of U.S. Patent No. 5,965,306 to Mansfield et al. In view of the cancellation of claim 25, this rejection is moot.

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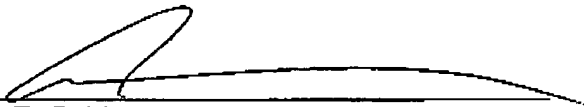
Applicants note the Examiner has cited the Feldman et al patent as being pertinent to applicants' disclosure. However, since this patent was not applied in rejecting claims formerly in the application, further discussion of this patent I deemed unnecessary.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance of all of the claims now in the application are requested.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 501.40692X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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